

<b>Applicant</b>	Premier Developers III Associates		
<b>Request</b>	Site Plan Level IV Approval /IOA		
<b>Location</b>	545 Bayshore Drive		
<b>Legal Description</b>	Lots 4, 5 and 6, Block 7 Birch Ocean Front Subdivision, P.B. 19, P. 26		
<b>Property Size</b>	50,520/1.16 acres		
<b>Zoning</b>	IOA, Intracoastal Overlook Area		
<b>Existing Land Use</b>	Vacant parcel		
<b>Future Land Use Designation</b>	Regional Activity Center, Central Beach Area		
<b>Comprehensive Plan Consistency</b>	Consistent with Future Land Use Element, Permitted Uses, Central Beach Regional Activity Center		
<b>Other Required Approvals</b>	City Commission Approval of Site Plan		
<b>Applicable ULDR Sections</b>	47-12, Central Beach District Requirements 47-25.2, Adequacy Requirements 47-25.3, Neighborhood Compatibility Requirements		
<b>Setbacks/Yards</b>	<b>Required</b>	<b>Minimum permitted per Site Plan Level IV</b>	<b>Proposed</b>
	<b>Front</b>	20' (both principal bldg and amenity bldg)	20' (principal bldg) ±52' (amenity bldg)
	<b>Rear</b>	½ height at building height location (both principal bldg and amenity bldg)	20' (principal bldg) ±48' (amenity bldg)
	<b>Side</b>	½ height at building height location (both principal bldg and amenity bldg)	Principal Bldg: 40' (North) and 40' (South) Amenity Bldg: 10'
	<b>Required</b>		<b>Proposed</b>
<b>Lot Density</b>	55 Maximum Permitted (48 du/ac)		<b>69 (60 du/ac)</b>
<b>Lot Width</b>	N/A		±320'
<b>Building Height</b>	120' Maximum		<b>149'-8"</b> (principal bldg., assuming the roof is not habitable) ±25' (amenity bldg)
<b>Structure Length</b>	200' max.		Principal Bldg: <b>216'</b> (N-S) and 126' (E-W) Amenity Bldg: ±40' (N-S) and ±68' (E-W)
<b>Floor Area Ratio</b>	None Required		4.21 4.96 w/garage
<b>VUA Landscaping</b>	297 SF		2,884 SF
<b>Landscaping Lot Coverage</b>	12,630 SF		13,041 SF

<b>Open Space</b>	N/A	N/A
<b>Parking</b>	145	145
<b>Notification Requirements</b>	Sign notice along each right-of-way and along the Waterway (Sec. 47-27.4)	
<b>Action Required</b>	Determine whether the proposed development meets the standards and requirements of the ULDR and criteria for site plan level IV development and shall forward its recommendation to the City Commission.	
<b>Project Planner</b>	<b>Name and Title</b>	<b>Initials</b>
	Donald Morris, AICP, Planner III	
	Chris Barton, AICP, RLA, Principal Planner	
	Bruce Chatterton, AICP, Planning and Zoning Services Manager	
<b>Authorized By</b>		
<b>Approved By</b>		

**Property/Project Description:**

This is a request to construct a 14-story (eleven [11] residential floors over three [3] levels of parking – one [1] level below grade, together with two [2] residential units that face the intracoastal waterway and a lobby area on the first floor) 69-unit multi-family building, and a 2-story amenity building in the IOA zoning district in the Central Beach Regional Activity Center (RAC). A similar project (PZ Case 78-R-03) was proposed for this site, which recommendation was denied by the Planning and Zoning Board on November 19, 2003 (Planning and Zoning Board minutes are attached as **Exhibit 1**). The City Commission ultimately denied the application on February 3, 2004. This proposal differs from the previous application in that the height of the building has been increased from 120' to 149'-8" and density has been increased from 48 du/acre to 60 du/acre.

The Central Beach 1989 Action Plan provided for a maximum of 5500 dwelling units in the Central Beach Area. As dwelling units are approved, they are subtracted from this maximum. The total number of units available in the Central Beach Area is 1863. Therefore, if this project is approved, a total of 1,794 units will be available in the Central Beach Area.

Both the principal building and the amenity building have a contemporary design. The entryway for the principal building faces Bayshore Drive. Garage grills (for the parking garage fenestration) are provided for the first two (2) floors, with balconies and decorative railing on the remaining floors, which are residential. Two (2) circular features are proposed on the roof that will house the mechanical equipment, together with an arched parapet at the roofline. The amenity building is located south of the principal building and is of a similar architectural design with balconies and an arched roof. A swimming pool with a deck is proposed immediately west of the amenity building.

Section 47-19.4.K stipulates that all new construction shall provide dumpster enclosures that comply with all provisions of the ULDR, including setbacks. Subsequently, the proposed dumpster enclosure located in the required front setback is in violation of this requirement.

Pursuant to Sec. 47-12.5.D.1.d.i. and ii – Reduction of Yards for Developments of Significant Impact (Site Plan Level IV), the applicant is requesting that the side yards be reduced to 40' and the rear yard be reduced to 20' for the principal building, and that the side yard be reduced to 10' for the amenity building. As proposed, the side setbacks of the principal building (40') have been reduced 47.55% and the rear setback (20') has been reduced 73.3% from the standard

setback requirement of  $\frac{1}{2}$  the height of the building (60'). The side setback of the amenity building (10') has also been reduced 20% from the standard setback of  $\frac{1}{2}$  the height of the building (12.5').

The applicant has failed to consider the balconies in the overall structure length measurement. Subsequently, the structure length, including the balconies is approximately 216', which exceeds the maximum of 200' permitted in this district. Modifications to the building length are not permitted in this district.

The Building Section drawings (sheet A-34) appear to show the roof area as habitable space by referring to it as a "building yard". As such, the height of the building should be measured from the top of the parapet wall, which increases the proposed height of the building to 154'-8". If the roof is habitable, the preceding calculations for reduction of yards need to be adjusted to reflect the additional height.

The properties that front the Intracoastal Waterway along Bayshore Drive are all in the IOA District. The IOA District was established "for the purpose of encouraging the preservation, maintenance and revitalization of existing structures and uses that make up the distinct neighborhood south of Sunrise Boulevard" (Section 47-12.2.A.4). According to the Fort Lauderdale Central Beach Revitalization Plan (page 4), the IOA District is designed "to allow slightly more intense uses than permitted in the NBRA (North Beach Redevelopment Area)." As such, the height, scale and mass of these properties are generally greater than those located to the east in the NBRA District. A map is attached as **Exhibit 2** depicting the number of floors for various buildings in the IOA District and within 300' of the subject property.

#### **Parking and Traffic:**

The applicant has provided the 145 parking spaces that are required for this development.

This project will generate 289 trips per day (4.18 TPD/unit). This equates to 24 peak hour trips (.34/unit). As projects are approved, the trips generated from these proposals are subtracted from the 3,220 peak hour trips allowed in the Central Beach by the 1989 Action Plan. Subsequently, if this project is approved, a balance of 1,577 peak hour trips in the Central Beach Area will remain.

#### **Adequacy Requirements and Neighborhood Compatibility:**

The applicant has submitted a narrative (**Exhibit 3**) regarding how this proposal complies with the Adequacy Requirements (Section 47-25.2).

The applicant has provided a narrative addressing compliance with Section 47-25.3. Neighborhood Compatibility Requirements and Design and Community Compatibility Criteria (**Exhibit 4**). When considering proposed yard reductions in conjunction with a Site Plan Level IV review, the Community Compatibility Criteria has been established to guide the Planning and Zoning Board and the City Commission in formulating their decision. Subsequently, there is a direct correlation between the degree of compliance to the Community Compatibility Criteria and the degree to which required yards may be reduced. The following reflects staff's review of the applicant's narrative:

#### **A. Bulk Controls**

4. Yards: Proposed yards should be consistent with those of adjacent developments pursuant to Section 47-25.3.A.3.e.iv.b. The applicant has provided the minimum yards as permitted through the reduction of yards allowed through the Site Plan Level IV process, and has also provided tables and rational comparing the adjacent existing development to the proposed yards for the principal building (**Exhibit 5**). Comparison

of yards should be taken in the context of the height of the building. As such, the proposed yards are similar to those of Bayshore Tower (11 stories). However, the comparison is less favorable when compared to Villa Madam Chat (2 stories).

**B. Massing Guidelines**

**Overall Height:** The building is stepped back at the third floor, but this does not appear sufficient to mitigate the appearance of mass, as eleven (11) floors are contained in a single volume. The only height variation after the third floor occurs with the rooftop features, which actually give the building a more massive appearance. Variation in building height is encouraged pursuant to Section 47-25.3.A.3.e.iv.c to help mitigate impacts caused by the mass of the building.

**C. Neighborhood Compatibility and Preservation**

1. The parking garage portion of the building is not compatible with the scale of the adjacent neighborhood as is required in Section 47-25.3.A.3.e.i.a. The massive wall with its large porthole-type openings is significantly out of scale with the adjacent residential structures, including the project's own well-proportioned amenities building. An alternate façade treatment for the parking garage is encouraged that incorporates a fenestration or openings pattern that reflects the residential scale of the adjacent neighborhood.

Section 47-25.3.A.3.e.i.b stipulates that developments shall include improvements or modifications to mitigate adverse impacts on adjacent neighborhoods, including among other things shadow. Sheet A-38 of the site plan indicates that the development will shadow Villa Madam Chat's pool area and building at 12:00 PM during the Fall, Winter and Spring months. No efforts to mitigate this shadow impact have been offered by the applicant.

**Comprehensive Plan Consistency:**

The Future Land Use Element of the Comprehensive Plan permits up to 5,500 dwelling units in the Beach RAC. This request is for 69 units. With this project, there is a balance of 1,794 units available. The proposed development is also within the limits set by the Fort Lauderdale Beach Action Plan which restricts development growth to the equivalent of no more than 3,200 peak hour traffic trips. The total peak hour trips generated by this development is 24, there are 1,577 trips remaining.

The Development Review Committee reviewed this proposal on March 9, 2004. The outstanding technical issues that remain are the proposed dumpster location in the front setback, and the proposed building height (149'-8"), density (69 du) and building length (216') that exceed ULDR requirements.

**Staff Determination:**

Staff finds that this proposal fails to comply with ULDR Sections 47-25.3.A.3.e.iv.b, 47-25.3.A.3.e.iv.c and 47-25.3.A.3.e.i.b *Neighborhood Compatibility*, 47-12.5.D.2 *Height*, 47-12.5.D.3 *Density*, 47-12.5.D.5 *Length and Width*, and 47-19.4.K *Dumpsters*.

Should the Planning and Zoning Board approve this application, staff recommends the following conditions:

1. The proposal shall comply with Sections 47-12.5.D.2 *Height*, 47-12.5.D.3 *Density*, 47-12.5.D.5 *Length and Width*, and 47-19.4.K *Dumpsters*.

2. The proposed development is in an area that has the potential to generate impacts from construction debris due to high winds and close proximity to existing uses. As such, in order to ensure that construction debris remains on site and does not become a nuisance to neighboring properties, prior to application for a building permit, a Construction Debris Mitigation Plan shall be submitted to include but not be limited to the requirements of the Construction Debris Mitigation Policy as attached, and as approved by the City's Building Official.
3. Final DRC approval.
4. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.

**Planning and Zoning Board Review Option:**

The Planning and Zoning Board shall determine whether the proposed development or use meets the standards and requirements of the ULDR and criteria for site plan level IV development and shall forward its recommendation to the city commission.

**City of Fort Lauderdale**

**Building Services Division Construction Debris Mitigation Policy**

Section 24-11 Construction Sites, of the City of Fort Lauderdale Code of Ordinances is for the purpose of controlling construction debris. In accordance with the Code, any property under construction is required to contain construction debris on the subject property site. In an effort to ensure that construction debris does not spillover onto adjacent sites, the Building Services Division will require the following mitigation measures as minimum conditions to prevent the spillover of construction debris onto adjacent properties. These measures are to be included in a Construction Debris Mitigation Plan, which will be submitted to the Building Official, prior to the issuance of a building permit for the subject project. Additional measures may be required to ensure compliance with the Code, as deemed necessary by the Building Official.

1. Extermination of the site and buildings prior to demolition. A certificate certifying that the site has been exterminated is required to obtain a demolition permit.
2. Wet demolition of existing buildings is required to minimize dust.
3. Install and maintain a 6' screening (wind blown) on all ground level perimeter site fencing to minimize dust and debris blowing out to surrounding buildings.
4. Adherence to all state and county regulations with regards to the handling of asbestos in existing buildings.
5. Provide for construction employee parking and construction staging areas, to be reviewed and approved by the City's Engineering Department, and as necessary the City's Zoning and Parking Divisions.
6. The Building Division will require measures to minimize the airborne concrete when pouring. Such measures may include, but are not limited to, use of a wet saw when cutting concrete, wind screens around saws on concrete work deck; wind screens on end of concrete pump hose, etc.
7. The Building Division will require measures to minimize airborne debris from all open floors, including but not limited to, a requirement that each floor undergoing construction activity be wrapped to control the spillover of concrete and dust onto adjacent properties.
8. Sweeping compound will be required to minimize dust when sweeping the open floors of the building.
9. Broom cleaning of adjacent streets and sidewalks is required on a daily basis.
10. A hot line telephone number for the subject property is required to address issues as they arise.
11. On site visits by City Building Inspectors and other building officials will occur, as needed, to ensure that the concerns of adjacent property owners regarding construction debris and noise are being properly and timely addressed. The costs incurred for such inspections will be borne by the applicant